

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 36000115		DATE OF AWARD 08/18/2016
		MODIFICATION NUMBER: 2		
		PROGRAM CODE: CS		MAILING DATE 08/25/2016
		TYPE OF ACTION Augmentation: Increase		
RECIPIENT TYPE: State		Send Payment Request to: EPA, Las Vegas Finance Center		ACH# 20040
RECIPIENT: NYS Dept of Environmental Conservation 625 Broadway Albany, NY 12233-5010 EIN: 14-6013200		PAYEE: NYS Dept of Environmental Conservation 625 Broadway Albany, NY 12233-5010		
PROJECT MANAGER Nancy Lussier 625 Broadway Albany, NY 12233-5010 E-Mail: nancy.lussier@dec.ny.gov Phone: 518-402-9230		EPA PROJECT OFFICER Jane Leu 290 Broadway, CWD/DWMIB New York, NY 10007-1866 E-Mail: leu.jane@epa.gov Phone: 212-637-3815		EPA GRANT SPECIALIST Yvette MarCardona Grant and Audit Management Branch, OPM/GAMB E-Mail: MarCardona.Yvette@epa.gov Phone: 212-637-3409
PROJECT TITLE AND EXPLANATION OF CHANGES FFY 2015 NYS Clean Water State Revolving Fund This amendment increases the obligated federal funds by \$708,596 from \$153,965,000 to \$154,673,596 and increases the recipient's cost share by \$141,719 from \$30,793,000 to \$30,934,719. The obligated federal funds provided with this amendment are from funds recovered under the HD Supply Waterworks false claim settlement. Grant-Specific Programmatic Conditions A and I have been updated, and Grant Specific Programmatic Condition H has been revised. All other terms and conditions to the grant agreement remain in effect. There is no change to the scope of work under this agreement.				
BUDGET PERIOD 10/01/2014 - 09/30/2021	PROJECT PERIOD 10/01/2014 - 09/30/2021	TOTAL BUDGET PERIOD COST \$185,608,315.00	TOTAL PROJECT PERIOD COST \$185,608,315.00	
NOTICE OF AWARD				
Based on your Application dated 05/06/2015 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$708,596. EPA agrees to cost-share <u>83.33%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$154,673,596. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866		ORGANIZATION / ADDRESS U.S. EPA, Region 2 Clean Water Division 290 Broadway New York, NY 10007-1866		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Richard Manna - Assistant Regional Administrator for Policy and Management				DATE 08/18/2016

EPA Funding Information

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 153,965,000	\$ 708,596	\$ 154,673,596
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 30,793,000	\$ 141,719	\$ 30,934,719
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 184,758,000	\$ 850,315	\$ 185,608,315

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.458 - Capitalization Grants for State Revolving Fund	Clean Water Act: Secs. 205(m) 601-607	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart K

[illegible]

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$482,091
2. Fringe Benefits	\$258,304
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$184,724,318
9. Total Direct Charges	\$185,464,713
10. Indirect Costs: % Base	\$143,602
11. Total (Share: Recipient <u>16.67</u> % Federal <u>83.33</u> %.)	\$185,608,315
12. Total Approved Assistance Amount	\$154,673,596
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$708,596
15. Total EPA Amount Awarded To Date	\$154,673,596

Administrative Conditions

All Administrative Conditions Remain the Same

Programmatic Conditions

Grant-Specific Programmatic Conditions A and I have been updated, and Grant Specific Programmatic Condition H has been revised.

A. AUTOMATED STANDARD APPLICATION FOR PAYMENTS (ASAP)

The New York State Department of Environmental Conservation (NYSDEC), acting on behalf of the State of New York, agrees to accept payment from the United States Environmental Protection Agency (EPA) with funds to be made available from the FY 2015 Title VI allotment pursuant to the Clean Water Act, as amended, (the Act), in accordance with the below payment schedule established under Section 601(b) of the Act and will deposit all such payments into the State Revolving Fund (SRF) in accordance with Title VI. Payments, cash draws and disbursements are defined and in accordance with the Initial Guidance for the State Revolving Fund pursuant to 40 CFR Part 35 Subpart K and the Operating Agreement.

As per EPA's publication, EPA 430/09-88-009, dated July 1988, entitled, "Letter of Credit, How is it Used in EPA's State Revolving Fund Program", a payment in the SRF Program is an action by EPA to increase the amount of funds available for cash draw in the Letter of Credit (i.e. the ceiling). Through a payment, the EPA makes funds available to the State up to the amount of the capitalization grant. A payment is not a transfer of cash to the State but only an authorization making funds available for transfer to the State when a cash draw request is submitted. A payment schedule, indicating the timing and size of the payment or payments to be made will be entered into between EPA and the State. It will be based on the State's projection of binding commitments, the rules for cash draws and the use of the funds.

In consideration of the above, payment from the ASAP shall be made in accordance with the following schedule. Future cash draws may not exceed the amount shown below:

\$ 6,186,944 (Administration*) August 2016

\$148,486,652 (Projects*) August 2016

***Administration Costs:** Under Section 603(d)(7), money in the SRF may be used for the reasonable costs of administering the Fund and conducting activities under this title, except that such amounts shall not exceed 4 percent of all grant awards to such fund under this title, \$400,000 per year, or 1/5 percent per year of the current valuation of the fund, whichever amount is greatest, plus the amounts of any fees collected by the State for such purpose regardless of the source. Under this agreement, the total Administration costs requested by NYSDEC is 4% (\$6,186,944) of the total fund amount of \$154,673,596, consisting of FY 2015 Base allotment of \$153,965,000 and funds recovered under the HD Supply Waterworks false claim settlement of \$708,596. The remaining 96%, \$148,486,652, is applied to the Project costs.

H. ENVIRONMENTAL BENEFITS REPORTING

The recipient of funds for the State Revolving Funds (SRF) from the Consolidated and Further

Continuing Appropriations Act, -2015, P.L. 113--59 agrees to comply with all requests for data related to the use of the funds under Subchapter VI of the Clean Water Act (CWA), and to report all uses of the funds no less than quarterly, as the Environmental Protection Agency specifies for the CWSRF Benefits Reporting database. This reporting shall include but not be limited to data with respect to compliance with the Green Project Reserve (GPR).

I. ANNUAL REPORTING

In accordance with 2 CFR 200.328 and 40 CFR 35.3165 the recipient agrees to provide in its Annual Report information regarding key project characteristics, milestones, and environmental/public health protection results in the following areas: 1) achievement of the outputs and outcomes established in the Intended Use Plan; 2) the reasons for delays if established outputs or outcomes were not met; 3) any additional pertinent information on environmental results; 4) compliance with the Green Project Reserve requirement; and 5) use of additional subsidization.

Subaward Performance Reporting

The recipient must report on its subaward monitoring activities under 2 CFR 200.331(d). Examples of items that must be reported if the pass-through entity has the information available are:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
3. Environmental results the subrecipient achieved.
4. Summaries of audit findings and related pass-through entity management decisions.
5. Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.331(e), 2 CFR 200.207 and the 2 CFR Part 200.338 Remedies for Noncompliance.